

Award No. 808

Docket No. 736

2-N&W-CM-'42

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee Bruce Blake when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 16, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. (CARMEN)**

NORFOLK AND WESTERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES: That carmen be assigned to wind car doors on all cars that are being serviced for loading and movement to destination through train yards at Bluefield and Portsmouth shops, instead of laborers.

EMPLOYEES' STATEMENT OF FACTS: At Bluefield shop, in the transportation yard, one laborer is assigned to each shift to wind car doors on freight cars. At Portsmouth shop there are two laborers assigned on each shift in the train yards to do the same thing; thus making a total of 9 laborers at Bluefield and Portsmouth shops * * * who only wind car doors the entire shift. The laborers carry with them a wrench and hammer and such other tools that are necessary to close car doors; they fill out shop cards and tack on side of such cars that on which they can not close doors, thereby shopping cars to shop track for repairs. At one time there were carmen assigned to this class of work along with their other duties. A few years later carmen were removed and carmen helpers assigned to it, and finally in the last six or seven years the helpers were taken off and laborers placed on the job. At both shops, Bluefield and Portsmouth, there are several carmen employed in the train yards working along with these laborers and are available at all times to do the door winding.

POSITION OF EMPLOYEES: We contend that the winding of car doors and servicing cars thru train yards, thus preparing cars for loading purposes, where carmen are available, is work that should be performed by carmen and not by laborers. Referring to Rules 30, 31 and 81, current agreement. Rule 31, first paragraph reads as follows:

"ASSIGNMENT OF WORK

Rule 31. None but mechanics, apprentices, hourly rated gang leaders and shop hands, shall do mechanic's work as per special rules of each craft, except foremen at points where a small group of mechanics is employed. This rule does not prohibit foremen from performing work in the exercise of their duties."

It will be noted in this rule that the only class of employees permitted to perform carmen's work or mechanic's work is the foremen at small points, where there are only a small group of mechanics. Laborers are not mentioned in any way in Rule 31 in being allowed to perform mechanic's work,

and securing doors on coal cars does not require skill. There is significant difference between the "preparation" of cars for transit requiring no skill whatever and the repairs and maintenance of those cars, requiring the skill of a craftsman (See Award 33—Second Division).

In letter of November 26, 1941, General Chairman Blackburn asserted that:

"At Portsmouth where all the loaded cars are pushed over a yard hump and weighed, many car doors are knocked loose, naturally it is necessary to have some one to close these car doors and shop the cars for repairs that doors can not be closed on. When there are a bunch of cars with the doors knocked loose and are to be closed the company calls out section laborers on all shifts in addition to the regular assigned door winding laborers to close these loaded car doors. This practice has been going on approximately two years at this hump in Portsmouth. Prior to this calling out of laborers Carmen was used to close the loaded car doors."

The carrier informs the Division that at Portsmouth cars are classified over a hump equipped with car retarders. Occasionally cars will bump together hard enough to unlatch the doors. As a result coal rolls out onto the tracks. Section laborers are called to shovel the coal away from the doors and along with the laborers described above, the doors are closed and latched sufficiently for delivery to the shop track or securely to continue on to destination. No repairs are made by these section laborers.

The Division, in Award 32, found that the closing and securing of car doors could be performed by various classes of employees, including carmen, in the regular course of their duties.

The carrier requests that the claim be denied.

FINDINGS: The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

The parties to said dispute were given due notice of hearing thereon.

The claim simply is: That "carmen be assigned to wind car doors * * *." This Division, in Award Nos. 32 and 33 has, in effect, held that the winding of car doors does not require the service of a skilled mechanic. There is a sharp dispute in the record as to whether laborers, incident to winding car doors, assumed functions of inspectors. The Division will not decide this issue because it is not presented by the claim as made.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

ATTEST: J. L. Mindling
Secretary

Dated at Chicago, Illinois, this third day of August, 1942.